

# MANDATE

## United States Court of Appeals For the First Circuit

34-30056  
CED/MA5P  
Pinner, J

No. 06-2478

JAMES M. PLASSE  
Plaintiff - Appellant

v.

TYCO ELECTRONICS CORPORATION  
Defendant - Appellee

### JUDGMENT

Entered: February 16, 2007  
Pursuant to 1st Cir. R. 27.0(d)

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
FEB 15 2007

By notice issued January 5, 2007 and January 26, 2007, appellant was notified that he was in default for failure to file an opening brief. Appellant was warned that unless he filed a brief by February 9, 2007, his appeal would be dismissed for lack of diligent prosecution.

Appellant having failed to file a brief, it is hereby ordered that the above-captioned appeal be dismissed in accordance with Loc. R. 45.0(a) and 3.0(b).

By the Court:  
Richard Cushing Donovan, Clerk

**Certified and Issued as Mandate  
under Fed. R. App. P. 41.**

**Richard Cushing Donovan, Clerk**

RG  
**Deputy Clerk**

**Date:** 3/12/07

**MARGARET CARTER**  
By: \_\_\_\_\_  
Chief Deputy Clerk